



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

INTERNATIONAL UNION - UAW	:	
	:	
Petitioner	:	
	:	
and	:	CASE NO. M-0649
	:	
ROCKINGHAM VENTURE	:	DECISION NO. 91-96
	:	
Respondent	:	

APPEARANCES

Representing International Union - UAW:

Robert Monahan, International Representative

Representing Rockingham Venture:

Robert Chandler, Esq.

Also appearing:

Edward Callahan, General Manager
Beverly Nichols, Rockingham Venture
Alan Freeman, Rockingham Venture

BACKGROUND

On June 10, 1991, Petitioner filed a Petition for Certification for full-time and part-time grandstand security guards/employees excluding the Chief of Security. On June 24, 1991, the employer filed Exceptions to Petition for Certification based on three grounds. First, it objected because Petitioner accepts as members both guards and non-guards, citing to precedents under the N.L.R.A. Second, Employer claimed that all track security employees share a community of interest, i.e., inclusive of the "grandstand" and the "backside". Third, it claimed unconstitutionality because the statute "singles out employees of race tracks from all other employees employed by industries in New Hampshire over which the National Labor Relations Board decline to exercise its jurisdiction."

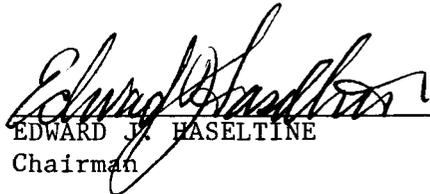
This matter proceeded to hearing before the Board on September 19, 1991 at its offices in Concord New Hampshire followed by filing of Petitioner's Brief on October 15, 1991 and a letter brief from the employers filed October 17, 1991. The Board met on this matter at its office on October 31, 1991.

ORDER

After reviewing the petition, the presentations before it during hearing and post-hearing submittals, the Board finds as follows:

1. A bargaining unit is created consisting of all security guards, whether denominated "grandstand" or "backside" by the parties.
2. Excluded from the bargaining unit are the Chief of Security and other employees exercising supervisory authority over security guard personnel listed in Item 1, above.
3. An election should be held by PELRB in accordance with RSA 273-A:10 and PELRB Rules and Regulations as expeditiously as possible.

Signed this 27th day of November, 1991.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and E. Vincent Hall present and voting.